

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RANDYAEL D. TYSON

V.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION

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CASE NO. 4:09cv95
(Judge Schneider/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

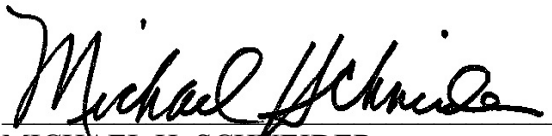
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 6, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Commissioner's Motion to Dismiss should be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

ORDERED that the Commissioner's Motion to Dismiss (Dkt. #10) is GRANTED and Plaintiff's Complaint is dismissed without prejudice.

IT IS SO ORDERED.

SIGNED this 30th day of July, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE